

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.402 OF 2019

Shailesh Sadashiv Salunke and anr. ...Applicants
versus
The State of Maharashtra and anr.Respondents

Ms. Nikita S. Chutke, advocate for the applicants.
Ms. Sangeeta D. Shinde, APP for the State.
Mr. S. P. Nangare, advocate for respondent No.2.

**CORAM : RANJIT MORE &
SMT. BHARATI H. DANGRE, JJ.**

DATE : 25th APRIL, 2019.

P. C. :

Heard learned counsel and learned APP appearing for the respective parties.

2. The application is filed under Section 482 of the Code of Criminal Procedure, 1973, for quashing and setting-aside the proceedings of criminal case No.646/PW/2018 pending on the file of learned Metropolitan Magistrate Railway Mobile Court, Andheri, Mumbai. The said case arises out of FIR bearing C.R. No.188 of 2017 registered with Meghwadi Police Station at the instance of respondent No.2, for the offences punishable under Sections 498A, 323 and 501 read with Section 34 of the Indian Penal Code, 1860.

3. Applicant No.1 and respondent No.2 are husband and wife.

Applicant No.2 is the mother of applicant No.1 and mother-in-law of respondent No.2. Matrimonial dispute between the parties gave rise to filing of civil as well as criminal cases and the subject criminal case is one of them. Pending trial, the parties settled their dispute amicably with the intervention of their elders and well-wishers and have, accordingly, filed consent terms dated 8th March, 2019 before the Family Court at Bandra, Mumbai, in petition No. A-2456 of 2018. A copy of the said consent terms is annexed to the affidavit dated 25th April, 2019 filed by respondent No.2. In terms of an understanding arrived at between the parties under the said consent terms, they have now approached this Court for quashing and setting-aside the proceedings of the subject criminal case by consent. Respondent No.2 in her aforesaid affidavit has reiterated whatever that has been stated hereinabove and in paragraph 3, she has given her consent for quashing and setting-aside the proceedings of the subject criminal case. Respondent No.2 is personally present before the Court. On being questioned, she specifically stated that she has gone through the application and the affidavit as well and has fully understood the contents thereof. She has further confirmed that she has given no objection for quashing the said proceedings on her own free will and without there being any pressure or coercion.

4. It can, thus, be seen that the matter has been amicably settled between the parties. Perusal of the complaint, makes it clear that the allegations are totally personal in nature. In these circumstances and

especially in view of the law laid down by the Apex Court in the case of **B.S.Joshi versus State of Haryana AIR 2003 SC 1386**, we are of the view that quashing of the criminal proceedings would be in the interest of respondent No.2. Besides, no purpose would be served by keeping the criminal proceedings pending except burdening the Criminal Courts which are already overburdened. In that view of the matter and in the interests of justice, the proceedings of the subject criminal case are required to be quashed and set-aside. The application is, accordingly, made absolute in terms of prayer clause (a) and is disposed of as such.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]